THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.13364 of 2007

DATED 06.09.2007

Between:
Dangeti Peda Satyanarayana and two others. ….. PETITIONERS

versus

The Regional Joint Commissioner (Endowments),
Kakinada, East Godavari District and 2 others. …..
RESPONDENTS

THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.13364 of 2007

ORDER:

The matter is coming up for admission.

2. This Court ordered Notice Before Admission on 26.6.2007 and further ordered 'pending further orders, the auction proposed under the impugned notice may go on, but the same shall not be confirmed for a period of three weeks from today'.

3. WVMP 1589 of 2007 is filed to vacate the interim order made on 26.6.2007.

4. The Writ Petition is filed for a Writ of Mandamus declaring the action of the 3rd respondent in conducting public auction in respect of dry land in the possession of the cultivating tenants an extent of Ac.4.50; Ac.65 cents in S.No.159.2 and an extent of Ac.4.31 cents in S.No.39/2 situated at Choppella (v) Alamuru Mandal, East Godavari District, belonging to the 3rd respondent as illegal, null and void and violative of principles of natural justice and for a consequential order directing the respondents to drop all further proceedings against the

land measuring Ac.4.50; Ac.4.65 cents in S.No.159/2 and land measuring Ac.4.31 cents in S.No.39/2 of Choppella (v), Alamuru Mandal, East Godavari District and pass such other suitable orders.

5. It is stated that the petitioners are the cultivating tenants of the 3rd respondent-Devasthanam and they had paying Maktas regularly. It is also stated that the respondents are trying to auction the said lands. It is also further stated that the petitioners made a petition to the 2nd respondent, but the same is in vain.

6. In WVMP No.1589 of 2007, the counter affidavit filed by the 3rd respondent, several facts had been narrated and it is stated that the Executive Officer of the Temple issued Form-I Notice to Sri Dangeti Veeranna on 27.4.2003, who is the father of the petitioners 1 and 2 and who is still alive. It is stated that the said Dangeti Veeranna is not the grand father of the petitioners 1 and 2, but he is their father. It is stated that the 3rd petitioner is neither the son nor the grandson of Dangeti Veeranna and as such the allegation in para 2 of the affidavit is false. It is stated that Form No.1 Notice was issued to the 3rd petitioner on 27.4.2003 and neither Dangeti Veeranna nor the 3rd petitioner have made any representation to the 2nd respondent for declaring them as landless poor. It is also further stated that the auction was held on 27.6.2007 for an extent of Ac.10.15 cents as one bit in RS No.159/2 and for Ac.4.31 cents as another bit in RS No.39/2. It is also stated that the 2nd petitioner became the highest bidder for the extent of Ac.10.15 cents at 200 bags of Paddy for the first crop and 1/3rd of it is 66.50 Kgs of Paddy for the second crop and thus he is the approved lease holder for three years from 27.6.2007 to 26.6.2010. It is also stated that Palacharla China Boorayya had become the successful lease holder for the same three years period for the extent

of Ac.4.31 cents at Rs.1,05,000/- for one year and as it is dry agricultural land, possession of the land had been handed over to the 2nd petitioner and Palacharla China Boorayya and at present they are already cultivating the land. It is further stated that the petitioners have filed objections before the 2nd respondent and sought for declaration as landless poor persons and they sent their objection petition through post, which was received by the office of the 2nd respondent two or three days after the auction was conducted on 27.6.2007.

7. In the light of the respective stands taken by the parties and also in view of the fact that it is brought to the notice of this Court that an appeal had already been preferred in this regard to the 1st respondent, this Court is of the considered opinion that the Writ Petition be disposed of directing the 1st respondent to dispose of the appeal of the petitioners at an early date preferably within a period of four (04) weeks from the date of receipt of a copy of this order, if not already disposed of.

8. The Writ Petition is disposed of accordingly with the above direction. There shall be no order as to costs.

06.09.2007

SSR